



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

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June 25, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Daniel J. Bryant *DJB*
Assistant Attorney General

SUBJECT: Weekly Report for June 25, 2001 - July 6, 2001

THIS WEEK

Border Crossing Cards: On Tuesday, June 26, the House Immigration Subcommittee will markup legislation to provide a one-year extension of the deadline for aliens to present a border crossing card which contains a biometric identifier. INS and State will use this extension to replace outdated cards currently being used. (D. Burton)

Work Authorization Visas: On Tuesday, June 26, the House Immigration Subcommittee will markup two pieces of legislation to permit work authorization for spouses of E visa holders (treaty traders and treaty investors) and L visa holders (intracompany transferees). (D. Burton)

Nominations: On June 21, the following nominations were sent to the Senate: Harris L. Hartz, to be a United States Circuit Judge for the Tenth Circuit, and Mary Ellen Coster Williams, to be a Judge of the United States Court of Federal Claims. On June 22, both Carolyn Kuhl and Richard Clifton were nominated to be United States Circuit Judges for the Ninth Circuit.

The Senate Judiciary Administrative Oversight and the Courts Subcommittee (Schumer, Chair) has scheduled a hearing for June 26 entitled "Should Ideology Matter?: Judicial Nominations 2001." (Scott-Finan)

Death Penalty: On June 27, the Senate Judiciary Committee will hold a hearing on ensuring competent counsel for defendants in capital cases. (Tanner)

Elections: The Senate Rules and Administration Committee (Dodd, Chair) will hold hearings on possible ways to change the way elections are conducted on June 27 and 28. On June 27, the Committee will focus on the report of the U.S. Commission on Civil Rights regarding the November 2000 election. (Scott-Finan)

Drug Free Communities Act: The House Government Reform Committee, Subcommittee on Crime has asked that the Department testify on Thursday, June 28, regarding the Reauthorization of the Drug Free Communities Act. At issue is the amount of grant money that will be set aside for Administration. It is likely that we will testify. (Owen)

Mexico Migration Working Group: The House Immigration Reform Caucus has requested a Member briefing on current discussions between the U.S. and Mexican Delegations. Staff from DOJ and State will likely hold the briefing on Friday, June 29. (D. Burton)

Family Sponsor Immigration Act: The House Judiciary Committee plans to hold a markup this week of legislation which would allow a new family member to complete a family-sponsored visa application when the original family member has died before a visa number was available. The committee is still determining a date for this markup. (D. Burton)

THE WEEK AHEAD

Human Rights Abusers: Representative Wolf has requested a briefing on human rights abusers in the United States. Staff from OLA, FBI and INS will be working with his office on scheduling an appropriate meeting. (D. Burton)

Daral Hijag Islamic Center: Representative Tom Davis has requested information related to an Islamic Center in his district. Staff of OLA are working with INS and FBI on scheduling a briefing. (D. Burton)

Born-Alive Infants Protection Act: The House Constitution Subcommittee postponed a hearing on H.R. 2175, introduced by Chairman Chabot, which would give legal status to infants who are born-alive at any stage of development. The hearing will likely be rescheduled for July 12th. (D. Burton)

THE WEEK IN REVIEW

Alternate Case Scenario: On Friday, June 15, the Terrorism and Violent Crime Section and OLA accompanied the Environmental Protection Agency (EPA) to a meeting with Senate Environmental and Public Works staff. The EPA was updating committee staff on recent access to alternate case scenario data. A similar meeting took place with House Commerce staff on Monday, June 18. (Daley)

Telecom Meeting: Monday June 18, staff of the Criminal Division and FBI briefed Senator Conrad Burn's staff on H.R. 496, "The Independent Telecommunications Consumer Enhancement Act of 2001." The briefing focused on the language in the law enforcement section of the bill. (Coughlin)

Guestworkers: The House Immigration Subcommittee held a hearing on Guestworkers on Tuesday, June 19. No administration witness participated. (D. Burton)

Department Reauthorization: On Friday, June 8, the Judiciary Committee sent DOJ a list of more than 20 questions related to reauthorization, with a request that the Department reply by Thursday, June 14. The Committee introduced a draft bill on Monday, June 18, and held a markup on the bill on Wednesday, June 20. The Committee reported the bill with amendments. Under the measure, a new deputy inspector general would oversee all FBI programs and operations, and the current inspector general would have to submit to Congress a detailed plan for improving the FBI. The bill would authorize a Violence Against Women office, headed by a Presidential Appointee. Representative Anthony Weiner offered an amendment to authorize \$1.15 billion for the Community Oriented Policing Services program. The Representative's amendment was defeated, 16-9. We are now circulating the bill for comment within the Department. (Owen)

Flag Amendment: On Wednesday, June 20, the House Judiciary Committee approved, 15-11 along party lines, a proposed constitutional amendment (H.J. Res. 36) that would give Congress the power to ban desecration of the American flag. (Owen)

Internet Gambling: At their request, on Wednesday, June 20, the Department met with Representative Leach, his staff, staff for House Financial Services, Representative Goodlatte, and Senator Kyl, regarding HR 556, the Unlawful Internet Gambling Funding Prohibition Act. The Financial Services Committee hopes to hold hearings in July on this bill and look forward to the Department testifying. (Daley)

Vaccines: On Wednesday, June 20, staff from OLA and the Civil Division met with staff from the Senate Committee on Health, Education, Labor and Pensions to discuss the Vaccine Injury Compensation program. (Blake)

Air Carriers Antitrust Exemption: On Wednesday, June 20, the House Judiciary Committee marked up H.R. 1407, legislation to grant air carriers an antitrust exemption to coordinate flight reductions in order to relieve congestion at airports. This bill was reported by the Committee on Transportation, and was before the Judiciary Committee on limited-time sequential referral. The Department sent a letter opposing the bill. Various amendments were adopted, without controversy, to help protect against anticompetitive harm and preserve the Judiciary Committee's jurisdiction over antitrust matters. (Slover, Coughlin)

FBI: On June 20, the Senate Judiciary Committee held an oversight hearing on the FBI. Witnesses included Judge William Webster, former Senator John Danforth, Inspector General Glenn Fine, and former Inspector General Michael Bromwich. On June 15, 2001, the Committee requested a variety of documents on FBI matters relating to the investigations of Hanssen, McVeigh, and the Bureau's handling of informants in Boston, a pending matter. This request is under review within the Department. (Tanner)

FBI Handling of Informants: On June 25, 2001, we expect that Assistant Attorneys General Dan Bryant and Mike Chertoff will meet with staff for the House Government Reform Committee about the Committee's request for documents relating to the on-going Task Force investigation regarding the Bureau's handling of informants in Boston. This and other outstanding Committee requests frame important access issues regarding open matters and deliberative process which we hope to resolve with the Committee in the near future. (F. Burton)

Child Sex Crimes Wiretapping Act: A hearing was held on June 21 on H.R. 1877, the Child Sex Crimes Wiretapping Act. Francis A. Gallagher, Deputy Assistant Director, Criminal Investigative Division, FBI, testified. (Owen)

Declination Memoranda and Similar Documents: On June 21, 2001, the Attorney General and Assistant Attorneys General Dan Bryant and Mike Chertoff met with Chairman Burton and staff of the House Government Reform Committee about the Committee's subpoena for a declination memorandum relating to the decision not to prosecute a DEA agent for statements made to the Committee staff. The Attorney General explained that the evidence did not support a prosecutable violation of federal law and AAGs Bryant and Chertoff will hold a follow-up meeting with Committee staff about the declination memorandum itself. Now and in the future, we hope to accommodate congressional oversight interests by briefing Members and staff on the reasons for our declination decisions, rather than providing access to or copies of the internal deliberative memoranda about those decisions. (F. Burton)